

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff,

v.

**HAVERFORD COLLEGE,
COACH 1,
CAPTAIN A, AND
STUDENT 1,**

Defendants.

CIVIL ACTION NO. 2:23-cv-00299-GAM

JURY TRIAL DEMANDED

**DEFENDANT CAPTAIN A'S ANSWER, AFFIRMATIVE DEFENSES, AND
CROSSCLAIM TO PLAINTIFF'S AMENDED COMPLAINT**

Defendant Captain A hereby appears, by and through undersigned counsel, and answers Plaintiff's Amended Complaint as follows:

NATURE OF THE ACTION

1. Captain A denies the allegations in paragraph 1.
2. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.
3. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.
4. Captain A denies the allegations in paragraph 4. By way of further answer, and without waiver of the foregoing, Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.
5. Captain A is without knowledge or information sufficient to form a belief as to

the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

6. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

7. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

8. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

9. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

10. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

11. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

12. Captain A denies the allegations in paragraph 12. By way of further answer, and without waiver of the foregoing, the allegations of paragraph 12 constitute conclusions of law and/or the characterization of a written document to which a responsive pleading is not required.

13. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

14. Captain A denies the allegations in paragraph 14. By way of further answer, and without waiver of the foregoing, Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

THE PARTIES AND JURISDICTION

15. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

16. Admitted.

17. Admitted.

18. Admitted in part, denied in part. Captain A admits only that he is currently a resident of the State of New Jersey.

19. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

20. Denied as a conclusion of law to which a responsive pleading is not required.

21. Denied as a conclusion of law to which a responsive pleading is not required.

22. Denied as a conclusion of law to which a responsive pleading is not required.

23. Denied as a conclusion of law to which a responsive pleading is not required.

FACTUAL ALLEGATIONS

24. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

25. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

26. Admitted.

27. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

28. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

29. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

30. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

31. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

32. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

33. Admitted in part, denied in part. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph and, therefore said allegations are deemed to be denied. Captain A admits the second sentence of paragraph 33. Captain A is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and, therefore said allegations are deemed to be denied.

The Haverford Strike

34. Admitted in part, denied in part. It is admitted only that Captain A was one of the leaders of a strike that took place at Haverford during the Fall of 2020. The remaining allegations of paragraph 34 are denied as stated because they inaccurately characterize the events described.

35. Admitted in part, denied in part. Captain A admits the first sentence of paragraph 35. The remaining allegations of paragraph 35 are denied as stated because they

inaccurately characterize the events described.

36. Captain A denies the allegations in the first sentence of paragraph 36. By way of further answer, and without waiver of the foregoing, Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

37. Captain A denies the allegations of paragraph 37.

38. Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

39. The first sentence of paragraph 39 refers to a writing, and as such no responsive pleading is required. Captain A denies the second sentence of paragraph 39.

40. Captain A denies the allegations in paragraph 40.

41. Captain A denies the allegations in paragraph 41.

The False Rumor About John

42. Captain A denies the allegations in paragraph 42.

43. Captain A denies the allegations in paragraph 43.

44. Captain A denies the allegations in paragraph 44.

Haverford's Improper Removal Of John From The Team Based On The False Rumor

45. Captain A denies the allegations in paragraph 45.

46. Captain A denies the allegations in paragraph 46.

47. Admitted in part, denied in part. Captain A admits the first sentence of paragraph 47. Captain A denies the remaining allegations in paragraph 47.

48. The allegations in paragraph 48 refer to a writing, and as such no responsive pleading is required.

49. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

50. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

51. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

52. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph and, therefore said allegations are deemed to be denied. The second sentence of paragraph 52 refers to a writing, and as such no responsive pleading is required.

53. Captain A denies the allegations in paragraph 53.

Haverford's Improper Denial Of John's Restatement To The Team

54. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

55. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

56. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

57. Captain A is without knowledge or information sufficient to form a belief as to

the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

58. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

59. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

60. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

61. The allegations in paragraph 61 refer to a writing, and as such no responsive pleading is required.

62. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

63. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

64. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

65. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

66. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

67. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

68. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

69. Admitted.

70. The allegations of paragraph 70 are denied as stated because they inaccurately characterize the events described.

71. Captain A denies the allegations in paragraph 71.

72. Captain A denies the allegations in paragraph 72.

73. Captain A denies the allegations in paragraph 73.

74. Captain A denies the allegations in paragraph 74.

75. Captain A denies the allegations in paragraph 75.

76. Captain A denies the allegations in paragraph 76.

77. Captain A denies the allegations in paragraph 77.

78. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

The Fallout From Haverford's Improper Decision

79. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be

denied.

80. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

81. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

82. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

83. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

84. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied. By way of further answer, and without waiver of the foregoing, the allegations in paragraph 84 refer to a writing, and as such no responsive pleading is required.

85. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

86. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

87. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be

denied.

88. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

Haverford's Refusal To Reconsider Its Improper Decisions And Failure To Address The Campaign Of Harassment

89. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

90. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

91. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

92. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

93. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

94. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

95. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be

denied.

96. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

97. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

98. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

99. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

100. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

101. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

102. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

103. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

Haverford's Continued Failure To Address The Campaign Of Harassment In The Fall 2022 Semester

104. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

105. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

106. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

107. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

108. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

Haverford's Sham Plan To Reintegrate John Onto The Team

109. Captain A denies the allegations in paragraph 109. By way of further answer, and without waiver of the foregoing, Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

110. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

111. Captain A is without knowledge or information sufficient to form a belief as to

the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

112. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

113. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

114. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

115. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

116. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

117. Captain A denies the allegations of paragraph 117.

118. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

119. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence in this paragraph and, therefore said allegations are deemed to be denied. Captain A denies the remaining allegations in this paragraph.

120. Captain A is without knowledge or information sufficient to form a belief as to

the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

121. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

122. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

123. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

124. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

125. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

126. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

127. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

128. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be

denied.

129. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

130. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

131. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

132. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied. By way of further answer, and without waiver of the foregoing, the allegations in paragraph 132 refer to a writing, and as such no responsive pleading is required.

133. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

134. Captain A denies the allegation in the first sentence of this paragraph. Captain A is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and, therefore said allegations are deemed to be denied.

135. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

136. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be

denied.

137. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied. By way of further answer, and without waiver of the foregoing, the allegations in paragraph 137 refer to a writing, and as such no responsive pleading is required.

138. The allegations in paragraph 138 refer to a writing, and as such no responsive pleading is required.

139. Admitted.

140. The allegations of paragraph 140 are denied as stated because they inaccurately characterize the events described.

141. Captain A denies the allegations in paragraph 141.

142. Captain A denies the allegations in paragraph 142.

143. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied. By way of further answer, and without waiver of the foregoing, the allegations in paragraph 143 refer to a writing, and as such no responsive pleading is required.

144. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

145. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

146. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

147. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

148. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

149. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

150. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

Haverford Has Inflicted And Continues To Inflict Harm On John

151. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

152. Captain A denies the allegations in paragraph 152. By way of further answer, and without waiver of the foregoing, Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

153. Captain A denies the allegations in paragraph 153. By way of further answer, and without waiver of the foregoing, Captain A is without knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

154. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

155. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

COUNT I

156. Captain A incorporates by reference his responses to paragraphs 1-155 of the Amended Complaint as though fully set forth herein.

157. Is as much as the allegations of paragraphs 157 – 182 are not directed at Captain A, a responsive pleading is not required.

COUNT II

183. Captain A incorporates by reference his responses to paragraphs 1-182 of the Amended Complaint as though fully set forth herein.

184. Is as much as the allegations of paragraphs 184 – 201 are not directed at Captain A, a responsive pleading is not required.

COUNT III

202. Captain A incorporates by reference his responses to paragraphs 1-201 of the Amended Complaint as though fully set forth herein.

203. Is as much as the allegations of paragraphs 203 – 209 are not directed at Captain A, a responsive pleading is not required.

COUNT IV

210. Captain A incorporates by reference his responses to paragraphs 1-209 of the Amended Complaint as though fully set forth herein.

211. Captain A denies the allegations in paragraph 211.

212. Captain A denies the allegations in paragraph 212.

213. Captain A denies the allegations in paragraph 213.

214. Captain A denies the allegations in paragraph 214.

215. By way of further explanation, Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied.

216. Captain A denies the allegations in paragraph 216.

COUNT V

217. Captain A incorporates by reference his responses to paragraphs 1-216 of the Amended Complaint as though fully set forth herein.

218. Captain A denies the allegations in paragraph 218.

219. Captain A denies the allegations in paragraph 219.

220. Captain A denies the allegations in paragraph 220.

221. Captain A denies the allegations of paragraph 221.

222. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore such allegations are deemed to be denied.

223. The allegations of paragraph 223 are denied as stated because they inaccurately characterize the events described.

224. Captain A denies the allegations of paragraph 224.

225. Captain A denies the allegations of paragraph 225.

226. Captain A denies the allegations of paragraph 226.

COUNT VI

227. Captain A incorporates by reference his responses to paragraphs 1-226 of the Amended Complaint as though fully set forth herein.

228. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied. By way of further answer, and without waiver of the foregoing, the allegations of paragraph 228 constitute conclusions of law and/or the characterization of a written document to which a responsive pleading is not required.

229. Denied as a conclusion of law to which no response is required.

230. Captain A is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore said allegations are deemed to be denied. By way of further answer, and without waiver of the foregoing, the allegations of paragraph 230 constitute a conclusion of law to which a responsive pleading is not required.

231. Captain A denies the allegations in paragraph 231.

232. Captain A denies the allegations in paragraph 232.

233. Captain A denies the allegations in paragraph 233.

234. Captain A denies the allegations in paragraph 234.

235. Captain A denies the allegations in paragraph 235.

WHEREFORE, Answering Defendant respectfully requests this Honorable Court to dismiss the Amended Complaint with prejudice and to enter judgment in his favor and against Plaintiff, with prejudice, together with attorney's fees, costs and such other further relief that this Court deems equitable and just.

DEMAND FOR JURY TRIAL

Defendant Captain A demands a trial by jury on all claims set forth in the Amended Complaint.

AFFIRMATIVE DEFENSES

1. Captain A incorporates by reference his responses to paragraphs 1-235 above as though fully set forth herein.
2. Plaintiff's Amended Complaint fails to state a claim upon which relief may be granted.
3. If Plaintiff sustained the injuries and damages as alleged in his Amended Complaint, then same were not proximately caused by any action or failure to act on behalf of Answering Defendant.
4. Plaintiff's claims are barred and/or limited to the extent that evidence elicited during discovery or trial shows that Plaintiff has failed to mitigate damages.
5. If Plaintiff sustained the injuries and damages as alleged in the Amended Complaint, then same were caused by other individuals and /or entities over which Answering Defendant had or had no control.
6. At all times relevant hereto, Answering Defendant acted with due and proper care under the circumstances.
7. Answering Defendant did not breach any duty of care to Plaintiff at the time of the alleged incident.
8. Plaintiff assumed the risk of any and all alleged injuries and damages.
9. The Plaintiff's injuries were caused by the actions of someone other than Answering Defendant and any recovery shall be eliminated or reduced accordingly.

10. Any act, failure to act or misconduct by Answering Defendant did not cause any damages to the Plaintiff.

11. Answering Defendant hereby gives notice that he intends to rely on other and further defenses that become apparent or become available through discovery and hereby reserve the right to assert additional defenses at a later time.

12. The causes of action set forth in the Amended Complaint are barred by the equitable doctrines of waiver, estoppel, and unclean hands.

13. The causes of action set forth in the Amended Complaint are barred by the equitable statute of limitations.

14. Plaintiff's claims are barred by the truth.

15. Plaintiff's conduct was not extreme and outrageous and not intentional or reckless.

16. Plaintiff did not suffer severe emotional distress.

17. Answering Defendant never induced any person or entity to choose one course of conduct rather than another.

18. Answering Defendant never induced or otherwise intentionally caused a third person not to perform or continue in any contract with Plaintiff.

19. Plaintiff was never the subject of a defamatory communication.

20. Answering Defendant did not communicate a defamatory statement.

21. Any alleged statements were not untrue.

22. Any alleged communication is an expression of opinion.

23. Answering Defendant at no time failed to use ordinary care and diligence in ascertaining facts.

24. Plaintiff suffered no harm from any communication allegedly made by Answering Defendant.

25. Answering Defendant had no knowledge that any alleged communication was false, nor did he ever act in reckless disregard of whether it was true or false.

26. At the time of any alleged statement made by the Answering Defendant, Plaintiff already had a poor reputation.

27. Plaintiff suffered no actual injury as a result of any alleged communication made by the Answering Defendant.

28. Plaintiff's claims are barred by estoppel.

29. Plaintiff's claims are barred by illegality.

WHEREFORE, Answering Defendant respectfully requests this Honorable Court to dismiss the Amended Complaint with prejudice and to enter judgment in his favor and against Plaintiff, with prejudice, together with the costs of defense of this action and such other further relief that the Court deems just and proper.

CROSSCLAIM

1. Answering Defendant incorporates by reference the preceding paragraphs as if fully set forth at length herein.

2. If Plaintiff suffered any injuries or damages as alleged, said damages being specifically and expressly denied, said injuries and damages were caused solely by the acts/omissions of co-defendants, Haverford College, COACH 1 and/or STUDENT 1 who are solely liable or jointly and/or severally liable to the Answering Defendant.

3. The Answering Defendant hereby asserts that he is not liable to Plaintiff for the claims raised, but in the event that judgment is rendered against him then co-defendants Haverford College, COACH 1 and/or STUDENT 1 are or may be liable to the Answering Defendant for all or part of the claims asserted in the Amended Complaint by virtue of the terms and conditions of any and all documents to or made part of the pleading in this matter.

WHEREFORE, Answering Defendant denies that he liable on Plaintiff's causes of action and avers that co-defendants Haverford College, COACH 1 and/or STUDENT 1 are solely liable to Plaintiff and/or jointly and/or severally liable or are liable over to Answering Defendant on Plaintiff's causes of action or are liable over to Answering Defendant by way of contribution and indemnity.

Dated: July 3, 2023

Respectfully submitted,

**MONTGOMERY MCCracken WALKER &
Rhoads LLP**

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Attorneys for Defendant Captain A

CERTIFICATE OF SERVICE

I, Joseph McCool, certify that on this date, I filed via the CM/ECF system a true and correct copy of the foregoing Defendant Captain A's Answer, Affirmative Defenses, and Crossclaim to Plaintiff's Amended Complaint, which constitutes valid service on the following registered users:

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Dated: July 3, 2023

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